

EXHIBIT B-3



Steven M. Bauer, Esq.

Case Manager

Julia Jajaga

T: 617-228-9168

F: 617-228-0222

One Beacon Street, Suite 2210, Boston, MA 02108

JJajaga@jamsadr.com

Steven M. Bauer is available to conduct cases virtually. JAMS is equipped to provide virtual ADR services on a variety of online platforms, including Zoom, Microsoft Teams, WebEx, and more.

Biography

Steven M. Bauer, Esq., joins JAMS after a distinguished career with leading international law firm Proskauer, where he co-chaired the firm's national patent and intellectual property group and was a member of its international arbitration practice group. Mr. Bauer specializes in resolving life sciences and technology disputes, particularly those involving complex patent, trade secret, trademark, copyright and licensing issues.

As an advocate, Mr. Bauer has been lead trial counsel in over 30 trials involving a wide array of technologies, representing emerging companies, multinational businesses, and major research universities. He has tried cases in every major U.S. forum and has argued more than a dozen appeals at the Federal Circuit.

As both an advocate and a neutral, Mr. Bauer has earned the respect of his colleagues and clients. He has garnered a reputation for his intelligence; a tenacity balanced by an even-keeled demeanor; and a direct, business-minded approach. Known for his ability to grasp the scientific and technological concepts in both life sciences and technology cases, Mr. Bauer has worked on matters ranging from surgical, medical, genetic and biomolecular diagnostic, research and therapeutic technologies; to high-temperature superconductors and lithium-ion battery chemistry; to the algorithms used for voice recognition, speech generation and data encryption in smartphones. He has also been lead counsel in cases involving proton beam therapy, DNA sequencing, high-energy plasma devices, nanomaterials, semiconductors and satellite communications.

Chambers USA ranked Mr. Bauer as one of only five "Band 1" IP trial lawyers in Boston, noting his "stellar reputation for achieving outstanding results," that he is "pragmatic and flexible," and that he is "a great strategist" and "proven trial attorney." The IAM Patent 1000 reports that he "can grasp the technical details of a particular patent matter to the same degree as the inventor."

As one general counsel noted, "For more than a decade, I entrusted Steve with the most significant, most impactful, most complex IP litigation for my global technology company. His open, honest and direct approach, combined with his highly sophisticated legal acumen and technical excellence, helped us achieve fantastic results, and he always acted with integrity, sincerity and purpose."

ADR Experience and Qualifications

As a mediator, arbitrator and Special Master, Mr. Bauer's practice is both international and domestic for cases involving technology and life sciences disputes. He is vice-chair of the ADR committee of the International Association for the Protection of Intellectual Property (AIPPI) and has been on the American Arbitration Association's (AAA) panel of neutrals since 1987 and, more recently, on the AAA's International Centre for Dispute Resolution (ICDR) life sciences panel. In addition to his work for AAA in the U.S., he has acted as a party advocate or a neutral arbitrator in arbitrations in France, Germany, Switzerland and the United Kingdom in matters administered by the International Chamber of Commerce (ICC) and the German Arbitration Institute (DIS). He has had unparalleled success in helping parties find a creative and unique solution or pathway to resolution. Clients consistently praise him for the way he addresses cases within both the life sciences and technology industries. "The depth of Steve's knowledge and experience with patent litigation marries incredibly well with his judgment, intuition and ability to read people, making him an exceptional strategic advisor and negotiator."

Mr. Bauer has been lead counsel for Dutch, German, French, Danish, British, Israeli, Japanese and Chinese clients in settlement negotiations and mediations around the world.

Representative Matters: Life Sciences, Medical Devices, Biology and Chemistry

- *ArcherDx* v. Qiagen* (D. Del.): Represented emerging life sciences company in a two-patent infringement and misappropriation of trade secrets case relating to anchored multiplex PCR technology
- *Oxford Immunotec* v. Qiagen* (D. Mass.): Represented Oxford in a multi-patent case relating to assays for detecting tuberculosis. After a number of positive developments in the case, Qiagen settled the case, taking a license to the patents.
- *Amgen v. Genentech* (D. Del.): Represented Amgen in defending a BPCIA case relating to its launch of a biosimilar to Avastin; the case settled with Amgen remaining on the market with its product
- *BASF and Argonne National Laboratory* v. Umicore* (U.S. International Trade Commission): Lead counsel for Argonne in its enforcement of patents relating to lithium-ion battery material; the ITC found the patents valid and infringed, and issued an exclusion order
- *NISTAC v. American Honda** (D. Mich.): Lead trial counsel for American Honda in a patent infringement action brought by the National Institute for Strategic Technology Acquisition and Commercialization on patents relating to automobile piston coating chemistry; after a Markman decision weakened the patent holder's case, the case was dismissed
- *AsymmetRx Medical* v. Biocare*: Lead arbitration counsel for the patent owner in a license enforcement case relating to the p63 antibody, discovered at Harvard University and used to diagnose prostate cancer; after obtaining an arbitration decision that the defendant was manufacturing without a license, the case settled with entry of a consent judgment
- *Jacobson v. Celgene Corp.** (D. N.J.): Lead counsel for Celgene in an action for misappropriation of the idea to use thalidomide to treat multiple myeloma, a cancer of the blood; obtained summary judgment in Celgene's favor
- *PSN Illinois v. Ivoclar Vivadent** (N.D. Ill., Fed. Cir.): Represented Ivoclar, the world's leading manufacturer of dental crowns and implants, in the defense of a patent case seeking over \$50 million in damages; Ivoclar obtained summary judgment of non-infringement, which was affirmed on appeal
- *Massachusetts Institute of Technology* & American Superconductor Corp. v. Rogan* (D. Mass.): Represented MIT (a co-plaintiff with American Superconductor) in this 35 U.S.C. § 146 appeal from the Patent Office regarding the scope of MIT's patent on high-temperature superconducting technology; after a bench trial, the court affirmed the validity and broad scope for this MIT patent
- *Massachusetts Institute of Technology* v. Dharmacon and Fisher Scientific* (D. Mass.): Represented MIT in a patent infringement and breach of contract case relating to RNAi technology; the case settled with a license to Dharmacon
- *Candela Corp.* v. The Regents of the University of California* (American Arbitration Association): Represented Candela in an arbitration relating to a patent license dispute involving cryogenic cooling devices used for cosmetic laser surgery; after a one-week evidentiary hearing, Candela obtained a license to the technology

- *Polyclad Laminates Inc. v. MacDermid Corp.** (D. N.H.): Represented MacDermid in its defense of a patent infringement action relating to the chemical components used in printed circuit board manufacture; after an evidentiary Markman hearing, the court issued a summary judgment of non-infringement

Representative Matters: Technology, Software and Electronics

- *Adrea* v. Barnes & Noble* (S.D.N.Y.): Lead trial counsel in a jury trial relating to Barnes & Noble's Nook device; the jury found patent infringement and damages
- *MobileMedia Ideas LLC* v. Apple Inc.* (D. Del.): Lead trial counsel in two cases against Apple related to features of the iPhone; the jury found infringement with respect to all four asserted patents
- *ARRIS Group v. SeaChange International** (D. Del.): Lead trial counsel in defense of a contempt motion alleging that SeaChange's redesigned product violated a permanent injunction; after an evidentiary hearing, the court found in SeaChange's favor
- *Speedtrack v. Wal-Mart Stores, Inc. and Endeca Technologies** (N.D. Cal.): Represented Endeca (now owned by Oracle) and its customer, Walmart.com, in a case relating to the search algorithms powering online retail websites; Endeca obtained a summary judgment of non-infringement
- *Transamerica Life Insurance Co.* v. Lincoln National Life Insurance Co.* (N.D. Iowa, N.D. Ind., Fed. Cir.): On behalf of Transamerica, obtained reversal of a \$13-million judgment on appeal
- *Biax Corp. v. Analog Devices, Inc.** (E.D. Tex.): Lead trial counsel in defending against five patents relating to digital signal processing in parallel computer architecture; the case settled on the eve of trial
- *Analog Devices* v. Knowles Electronics* (D. Del., N.D. Ill., U.S.I.T.C.): Lead trial counsel in two district court and two ITC cases asserting two patents and defending against two patents relating to micromechanical electronic (MEMS) microphones; after trial, the ITC found the Knowles patents invalid and the Analog patents valid and infringed, and entered an exclusion order against Knowles
- *C2 v. Global Crossing*, Qwest*, and Level 3** (E.D. Tex.): Represented three telecommunications companies and their supplier (Sonos Networks) in the defense of a patent case relating to VoIP switching technologies; the case settled during trial
- *Beam Laser Systems, Inc. v. SeaChange International, Inc.* and Cox Communications, Inc.** (E.D. Va.): Represented SeaChange, the leading manufacturer of video-on-demand servers, and its customer, Cox Communications, in defending against three patents in a case with a demand of \$100 million; after an evidentiary Markman hearing, the court granted summary judgment of non-infringement
- *Digital Privacy, Inc. v. RSA Security Inc.** (E.D. Va.): Defended RSA Security against claims that its SecurID® security product infringed three patents; after an evidentiary hearing, the court granted summary judgment of noninfringement
- *France Telecom v. RSA Security Inc.** (International Chamber of Commerce, Paris, France): Represented RSA Security in a patent license dispute relating to an encryption algorithm in which the demand against RSA was for more than \$100 million; after a one-week evidentiary hearing in Paris, the arbitrator found in RSA's favor and awarded legal fees
- *Hypertherm, Inc.* v. American Torch Tip Co.* (M.D. Fla., D. N.H.): Represented Hypertherm in asserting six patents involving high-energy plasma torches; after a trial, the jury found that the defendant willfully infringed Hypertherm's patents
- *MKS Instruments, Inc.* v. Advanced Energy Corp.* (D. Del.): Represented MKS Instruments against Advanced Energy Corp. in two cases relating to high-energy plasma processing equipment; in the first case, the jury returned a verdict of infringement and awarded damages; in a second trial against a "revised" product, the jury again found infringement
- *MKS Instruments, Inc.* v. NPP* (N.D. Calif.): Represented MKS in obtaining a TRO and then preliminary injunction against the sale of accused products being imported by a Korean company
- *Pall Corp. v. Micron Separations, Inc.** (D. Mass.; Fed. Cir. U.S. Bankruptcy Ct.): Represented Micron Separations in its appeal of an infringement decision adverse to it and, simultaneously, in a trial relating to its ultrafiltration products; Micron Separation's appeal was heard *en banc* by the Federal Circuit, as the non-jury companion case to the Federal Circuit's decision in *Markman v. Westview*; in addition, represented Micron Separations in a tort and breach of contract trial in bankruptcy court alleging Pall's bad faith patent litigation; after trial, the bankruptcy court awarded \$3.7 million to Micron
- *ReSource America, Inc.* v. Republic Packaging Corp.* (N.D. Ill.): Represented ReSource America in a trial involving a business method for recycling products efficiently; after trial, the court found that the defendant willfully infringed
- *Rubbermaid Incorporated* v. Tucker Housewares Corp.* (D. Mass.): Represented Rubbermaid against its largest competitor, Tucker Housewares, for infringement of utility and design patents, trade dress and copyrights in connection with various storage products; after trial, Tucker was found liable, and an injunction was issued

Federal Circuit Appeals

• *MobileMedia Ideas LLC v. Apple Inc.* (Fed. Cir. 2013): Argued in favor of a trial verdict of infringement in client's favor, and for reversal of a summary judgement of non-infringement of a different patent

- *Ncube Corp. v. SeaChange Int'l. Inc.*, 732 F.3d 1346 (Fed. Cir. 2013): Judgment of no contempt affirmed, in client's favor
- *Speedtrack, Inc. v. Walmart.com USA, LLC*, 524 Fed.Appx. 651, 106 U.S.P.Q.2d 1442 (Fed. Cir. 2013): Judgment of infringement affirmed, in client's favor
- *Knowles Electronics v. ITC*, 462 Fed.Appx. 957 (Fed. Cir. 2012): Appeal dismissed pursuant to settlement
- *Knowles Electronics v. ITC*, 2011, 458 Fed.Appx. 894 (Fed. Cir. 2011): Appeal dismissed pursuant to settlement
- *Cognex Corp. v. ITC* 2013 WL 6570781 (Fed. Cir. 2013): ITC decision of non-infringement affirmed
- *Lincoln National v. Transamerica Life*, 609 F.3d 136 (Fed. Cir. 2010): Judgment of infringement reversed, in client's favor
- *Asymmetrx v. Biocare Medical*, 582 F.3d 1314 (Fed. Cir. 2009): Judgment dismissing case vacated, in client's favor
- *PSN Illinois v. Ivoclar Vivadent*, 525 F.3d 1159 (Fed. Cir. 2008): Judgment of non-infringement affirmed, in client's favor
- *Ncube Corp. v. SeaChange Int'l. Inc.*, 436 F.3d 1317 (Fed. Cir. 2006): Affirming infringement against client
- *MKS Instruments v. Advanced Energy*, 58 Fed.Appx. 480 (Fed. Cir. 2003): Dismissed, in favor of stipulation in favor of judgment of infringement in client's favor
- *Life Technologies v. Clontech Labs*, 224 F.3d 1320 (Fed. Cir. 2000): Finding of inequitable conduct reversed, in client's favor
- *Pall Corp. v. Micron Separations, Inc.*, 66 F.3d 1211 (Fed. Cir. 1995): Infringement finding affirmed, willful infringement finding reversed in client's favor

Other Significant Matters

- *Cox Communications v. AT&T* (D.Del., N.D. Ga.): Defense of two patent infringement actions against AT&T; at issue were a total of 12 patents relating to set-top boxes, cable modems and VoIP telephony; Cox also filed four inter partes reviews at the U.S. Patent & Trademark office
- *Puma v. Payless ShoeSource* (D. Mass.): Represented Payless ShoeSource, the country's largest retailer of shoes, in a trademark dispute relating to the stripes on running shoes
- *Winklevoss v. Facebook and Zuckerberg* (D. Mass.): Boston counsel representing Facebook and Mark Zuckerberg in a copyright and contract case relating to the invention of the Facebook social network
- *Enterasys v. Foundry Networks* (D. Mass.): Represented Foundry in defense of six patents relating to routers and bridges
- *Agere Systems, Inc. v. Multiplex, Inc.* (D. Del.): Defended Multiplex against patent infringement and trade secret claims brought by Agere relating to four patents on high-speed optical switching devices
- *Arrival Star, Inc. v. Descartes Systems Group Inc.* (S.D.N.Y.): Represented Descartes in defending against a 15-patent complaint relating to the tracking of packages using GPS and other technologies
- *Boston Scientific Corp. v. Circon, Inc.* (D. Mass., E.D. Wisc.): Represented Boston Scientific Corp. in asserting and then defending against patents relating to urological surgical devices in this seven-patent action
- *Comtec Inc. v. Monarch Marking Systems, Inc.* (D. R.I.): Defended Comtec in a nine-patent case covering portable electronic printers
- *Comtech AHA Corp. v. Efficient Channel Coding, Inc.* (N.D. Ohio): Represented Comtech in a breach of patent license agreement dispute relating to error correction codes used in satellite communications
- *Davox Corporation, Inc. v. Digital Systems, Inc.* (W.D. Wash.): Represented Davox in asserting and defending against patents in a litigation against its primary competitor concerning systems for managing automated call centers
- *Excel Switching Corp. v. Cisco Systems, Inc.* (D. Mass.): Represented Excel Switching in its patent infringement action against Cisco asserting a number of patents relating to digital switching technology
- *Hypertherm, Inc. v. Inner Logic, Inc.* (D. N.H.): Represented Hypertherm in its assertion of two patents relating to a plasma ignition circuit
- *Luyster v. RSA Security Inc.* (D. Mass.): Defended RSA Security in this patent infringement action relating to RSA's RC6 encryption algorithm
- *Massachusetts Institute of Technology v. Sony Electronics Corp.; Sharp Corp.; Toshiba Corp.* (D. Mass.): Represented MIT in the enforcement of its 20-patent digital television patent portfolio
- *Massachusetts Institute of Technology v. Dharmacon* (D. Mass.): Represented MIT in a license dispute involving its patents on siRNA technology
- *Mediacom, Inc. v. Rates Technology, Inc.* (D. Mass.): Represented Mediacom in defending a two-patent case involving telephone dialing networks
- *Nortel Networks Ltd. v. Foundry Networks, Inc.* (D. Mass.): Represented Foundry in defending a four-patent case involving packet-switching devices
- *Rubbermaid Incorporated v. Sterilite Corporation* (D. Mass.): Represented Rubbermaid against a competitor involving claims of design patent and trade dress infringement
- *nSoft, Inc. v. ART Advanced Recognition Technologies, Inc.* (D. Mass.): Represented ART in its defense of a patent infringement action relating to speech recognition technology

Honors, Memberships, and Professional Activities

Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS.

Memberships and Affiliations

- Visiting Lecturer, School of Engineering, Massachusetts Institute of Technology, 2012–present
- Member, Board of Advisors, Boston Museum of Science, 2015–present
- Member, Board of Advisors, Huntington Theater Company, 2015–2020
- Member, Dean's Advisory Board, Boston University Law School, 2015–present
- Member, Alan D. Lourie Boston IP Inn of Court
 - Counselor, 2019–2020
 - Secretary, 2018–2019
 - Treasurer, 2017–2018
- Member, International Association for the Protection of Intellectual Property (AIPPI), 2008–present
 - Vice-Chair, ADR Committee, 2012–present
- Member, Boston Patent Law Association
 - Co-Chair, Antitrust Committee, 2007
 - Co-Chair, Litigation Committee, 2002–2004
- Member, Intellectual Property Owners Association
 - Vice Chair, Patent Litigation Committee, 2004–2006
- Member, American Intellectual Property Law Association (AIPLA)
 - Editor, AIPLA Quarterly Journal, 2004–2005
- Member, Federal Circuit Bar Association
- Member, Greater Boston Legal Services
 - Board of Directors, 2009–2010
- Registered Patent Attorney, United States Patent & Trademark Office

Selected Awards and Honors

- Chambers Global: USA: Intellectual Property: Patents, 2020
- Chambers USA: Massachusetts: Intellectual Property (Band 1), 2004–2020
- Intellectual Asset Management (IAM):
 - IP Global Leader, 2020
 - Patent Litigation Top 250, 2011
 - Patent 1000: The World's Leading Patent Practitioners, 2012–2018
- Benchmark Litigation Star, 2011–2021
- Best Lawyers in America, 2007–2021
- Massachusetts Super Lawyers, 2006–2020
 - Top 100 Lawyers in Massachusetts, 2012–2015
- The Legal 500 United States: Litigation: Commercial Litigation, 2015–2017
- Global Law Experts: Technology Litigation Attorney of the Year in Massachusetts, 2015
- Euromoney Institutional Investor's Expert Guide, Leading Patent Practitioner, 2013–2015
- Managing Intellectual Property IP STARS: Massachusetts, 2013–2020

Background and Education

- Partner, Proskauer, 2004–2020
 - Co-Chair, Patent and Intellectual Property Group, 2004–2020
 - Member, Executive Committee, 2009–2012
 - Co-Chair, Litigation Department, 2013–2017
 - Head, Boston Office, 2004–2008
 - Member, International Arbitration Practice Group, 2004–2020
- Partner, Testa, Hurwitz & Thibault, 1990–2004
 - Co-Chair, IP Practice Group, 1990–2004

- Adjunct Professor, Boston University School of Law, 1987–2004
- Partner, Allegretti & Witcoff, 1987-1990
- Associate; Weingarten, Schurkin, Gagenbin & Hayes; 1984–1987
- Law Clerk and Technical Advisor, Senior Judge Philip Nichols Jr., United States Court of Appeals for the Federal Circuit, 1983–1984
- J.D., cum laude, Boston University School of Law, 1983
- M.S., Electrical Engineering and Computer Science, Massachusetts Institute of Technology, 1980
- B.S., Electrical Engineering, Massachusetts Institute of Technology, 1979
- Co-op Electrical Engineer; U.S. Naval Surface Weapons Center; Silver Spring, MD; 1977–1980
- Consultant; Systems Planning Corporation; Arlington, VA; 1980

Counsel Comments

- “For more than a decade, I entrusted Steve with the most significant, most impactful, most complex IP litigation for my global technology company. His open, honest and direct approach, combined with his highly sophisticated legal acumen and technical excellence, helped us achieve fantastic results, and he always acted with integrity, sincerity and purpose. I would hire him again any day.”
 - Vice President and General Counsel, Leading Technology Company
- “Steve’s extensive knowledge and experience over decades of practice allow him to view issues holistically, resulting in more creative pathways to resolution. He is a true counselor and advocate, balancing those roles effectively to meet his clients’ objectives.”
 - General Counsel, Therapeutics Industry
- “Steve is whip smart. While he was a fierce advocate in private practice, he has a very even keel and is able to creatively address and resolve complex technology disputes. He is a joy to work with.”
 - Internationally Recognized Technology Litigator
- “Steve has handled many patent infringement lawsuits for me, all with excellent results. The depth of Steve’s knowledge of and experience in patent litigation marries incredibly well with his judgment, intuition and ability to read people, making him an exceptional strategic advisor and negotiator. All of this, combined with his ultra-professional, budget-conscious and patient approach to client management, will make him an outstanding mediator.”
 - Associate General Counsel, Software Company
- “Steve is one of the smartest people you will meet. Some mediators don’t fully understand patents and thus can’t see the actual strengths and weaknesses of each argument in a case. He can take a patent case apart on the merits and devise creative solutions. I like that he is aggressive in his approach. He is a facilitator and a very active participant in the meeting of the minds. He pushes people to keep the conversation going and to keep talking until a case is settled. I will definitely be using him for mediations in the future.”
 - Nationally Known High-Stakes Litigator
- “I’ve been through multiple IP litigations and mediations with Steve Bauer at my side over the past two decades. Steve’s deep knowledge of IP, his long experience representing clients in litigation and mediation settings, and his pragmatic approach make him an ideal mediator. Steve is thoughtful, curious and always fair and balanced.”
 - General Counsel, Leading Technology Company
- “Steve is a business-minded counselor with the intellect and curiosity to quickly understand complex matters across a wide array of technologies. He delivers results and has earned the respect of his colleagues and his clients.”
 - VP, Global Head of Strategy, Business Development and M&A, Patents

News

- November 9, 2020
Steven M. Bauer, Esq., Joins JAMS in Boston
<https://www.jamsadr.com/news/2020/steven-m-bauer-esq-joins-jams-in-boston>

Events

Publications

- February 10, 2021
Is ADR the Cure for COVID-19-Related Litigation?
<https://www.jamsadr.com/blog/2021/is-adr-the-cure-for-covid-19-related-litigation>

Practice Areas

- Business & Commercial
- Intellectual Property
- International & Cross-Border
- Life Sciences
- Special Master/Discovery Referee

Locations

- Boston, Massachusetts

Available worldwide ›

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